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EASTERN DISTRICT OF TEXAS

LEE D. CRAYTON,	§	
Plaintiff,	8	
versus	8	CIVIL ACTION NO. 1:20-CV-213
WARDEN POLK,	8	
Defendant.	8 §	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Lee D. Crayton, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The court previously referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this case. The magistrate judge recommends the case be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).¹

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion plaintiff's objections are without merit. Plaintiff does not dispute that three of his prior lawsuits were dismissed as frivolous or for failure to state a claim. His objections do not show he was in imminent danger

Section 1915(g) provides that unless a prisoner is in imminent danger of serious physical injury, he may not bring a lawsuit on a *in forma pauperis* basis if three or more of his prior cases or appeals were dismissed as frivolous, malicious of for failure to state a claim

of serious physical injury on the date he filed his lawsuit. His lawsuit will therefore be dismissed pursuant to Section 1915(g).

ORDER

Accordingly, the objections filed by plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 23rd day of June, 2021.

MARCIA A. CRONE UNITED STATES DISTRICT JUDGE

Maria a. Crone